

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DO SOUVANARATANA,

Petitioner,

v.

Civil Action No. **3:16CV993**

HAROLD W. CLARKE,

Respondent.

MEMORANDUM OPINION

Do Souvanaratana, a Virginia probationer proceeding *pro se*, filed this petition for habeas corpus under 28 U.S.C. § 2254 (“§2254 Petition,” ECF No. 1) challenging his convictions in the Circuit Court of the County of Arlington, Virginia. On July 21, 2017, the Magistrate Judge issued a Report and Recommendation wherein he recommended denying Souvanaratana’s § 2254 Petition as meritless. (ECF No. 17.) The Court advised Souvanaratana that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Souvanaratana has not responded.


“The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate’s report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this

Court may adopt a magistrate judge's recommendation without conducting a de novo review. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, and the Court having determined that the Report and Recommendation is correct on its merits, the Report and Recommendation (ECF No. 17) will be ACCEPTED and ADOPTED. The Motion to Dismiss (ECF No. 7) will be GRANTED. Souvanaratana's § 2254 Petition (ECF No. 1) will be DENIED. Souvanaratana's claims and the action will be DISMISSED. A certificate of appealability will be DENIED.

An appropriate Order will accompany this Memorandum Opinion.

Date: 8/10/17
Richmond, Virginia



John A. Gibney, Jr.
United States District Judge